

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nina Mickens	Team: Team # 2	CCRB Case #: 200803950	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/19/2008 11:19 PM	Location of Incident: Union Turnpike and Park Lane	Precinct: 102	18 Mo. SOL 8/19/2009	EO SOL 8/19/2009	
Date/Time CV Reported Thu, 03/06/2008 3:28 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/18/2008 4:06 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Louis Romano	07731	902313	NARCBQN
2. LT Anthony Kotarski	00000	913968	NARCBQN
3. POM Shapiro Lecorps	29809	932886	NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Thomas Alcamo	07136	900151	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.LT Anthony Kotarski	Abuse: LT Anthony Kotarski stopped the car in which § 87(2)(b) was an occupant.	
B.POM Shapiro Lecorps	Force: PO Shapiro Lecorps pointed his gun at § 87(2)(b)	
C.DT3 Louis Romano	Force: DT Louis Romano pointed his gun at § 87(2)(b)	
D.DT3 Louis Romano	Force: DT Louis Romano used physical force against § 87(2)(b)	
E.POM Shapiro Lecorps	Abuse: PO Shapiro Lecorps searched § 87(2)(b)	

Synopsis

§ 87(2)(b) contacted the Internal Affairs Bureau via telephone on March 6, 2008. IAB Log # 08-01605 was received at the CCRB on March 18, 2008. (Encl. 7a-b) On February 19, 2008, at approximately 11:19PM, § 87(2)(b) was driving eastbound on Union Turnpike in Queens when a black Nissan Pathfinder began to follow him. § 87(2)(b) was followed for two miles. At one point, the occupants of the vehicle tried to get § 87(2)(b)'s attention and speak to him through their closed driver's side window. The occupants of the Pathfinder were identified through the investigation as Lieutenant Anthony Kotarski and Detective Thomas Alcamo. § 87(2)(b) allegedly had not run through any red lights and did not know why the car continued to following him. A Pontiac van also followed closely behind § 87(2)(b)'s vehicle. The occupants of this vehicle were identified through the investigation as Detective Louis Romano and Police Officer Shapiro Lecorps. The officers communicated with each other via cell phone and LT Kotarski expressed that he wanted to stop § 87(2)(b)'s vehicle (Allegation A). DT Alcamo tried to block § 87(2)(b)'s entrance to a nearby roadway and got out of his vehicle. § 87(2)(b) drove around DT Alcamo and continued on the road. The officers put on the turret lights in their cars and § 87(2)(b) did not stop. § 87(2)(b) eventually got into a car accident with DT Romano and PO Lecorps. Both officers approached § 87(2)(b) with their guns drawn and told him to get out of this vehicle (Allegations B and C). § 87(2)(b) allegedly told the officers that he was a retired New York City police officer but remained in the car. DT Romano opened § 87(2)(b)'s driver's side door and pulled him out of the vehicle (Allegation D). PO Lecorps asked § 87(2)(b) if he was armed and he responded yes. PO Lecorps then removed § 87(2)(b)'s firearm from his waist (Allegation E). LT Kotarski questioned § 87(2)(b) about his driving and asked him to produce identification. § 87(2)(b) provided his retired NYPD identification. LT Kotarski questioned § 87(2)(b) about his driving and where he was going. LT Kotarski directed PO Lecorps to record § 87(2)(b)'s vehicle information and then told § 87(2)(b) that he was free to go.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) a § 87(2)(b)-old black male was interviewed at the CCRB on April 2, 2007. (Encl. 11a-e) He also provided a statement via US Mail on March 31, 2008. (Encl. 10a-f) Additional statements were made by § 87(2)(b) via telephone on May 5, 2008 and May 22, 2008 and all inconsistencies are noted. (Encl. 12-13) § 87(2)(b)

On February 19, 2008, at approximately 11:19PM, § 87(2)(b) was driving eastbound on Woodhaven Boulevard in Queens on his way to meet some friends at Whitestone Bowling lanes. He was on his cell phone with his friend, § 87(2)(b) and there were 12-13 other cars on the road. § 87(2)(b) was driving in the middle lane and noticed a black, four-door Nissan Pathfinder pulling up to the passenger's side of his car. The driver of the Nissan Pathfinder, identified through the investigation as DT Thomas Alcamo, pulled up next to § 87(2)(b)'s vehicle and tried to say something through both of their closed windows. § 87(2)(b) did not see DT Alcamo show a badge through his window. § 87(2)(b)'s windows were rolled up so he could not hear what DT Alcamo was trying to say. The two men made eye contact although § 87(2)(b) did not stop and DT Alcamo did not roll down his car window. The Pathfinder continued to follow § 87(2)(b)'s car and he was not sure why. § 87(2)(b) also did not see any additional vehicles following him. At this point, § 87(2)(b) did not know that the occupants of the Pathfinder were police officers and he did not see any turret lights or hear any sirens.

§ 87(2)(b) drove through two green traffic lights and when he stopped at a third red light, on Woodhaven Boulevard and Union Turnpike, the Pathfinder pulled up next to § 87(2)(b)'s car again. Nothing was said by either party. The Pathfinder continued to drive along § 87(2)(b)'s passenger's side very slowly. § 87(2)(b) sped up at one point and the Pathfinder followed. When § 87(2)(b) slowed down, the Pathfinder

slowed down also. § 87(2)(b) pulled into a bus depot at Trotting Course Lane to assess what was happening. He thought the Pathfinder would pull into the depot as well. § 87(2)(b) intended to see if a road rage incident was the cause of the Pathfinder following him but he did not feel the need to call 911. § 87(2)(b) had the green light to go and the Pathfinder was stuck at a red light. He continued to drive at the 45 miles per hour and saw the Pathfinder go through the red light and follow him again. § 87(2)(b) did not run any red lights during the course of the interaction.

§ 87(2)(b) drove to Union Turnpike and Park Lane. DT Alcamo proceeded into the intersection and parked at an angle, cutting § 87(2)(b) off. DT Alcamo got out of the vehicle but § 87(2)(b) drove around him but did not stop or get out of his car because he did not know what was going on. DT Alcamo got back in the car and continued to follow § 87(2)(b)'s car. It was then that the turret lights from the Pathfinder came on. § 87(2)(b) slowed down as the Pathfinder sped passed him into the intersection at Union Turnpike and Austin Lane. Simultaneously, § 87(2)(b)'s vehicle was hit in the rear by a blue Pontiac van. The occupants of the second vehicle were identified through the investigation as PO Shapiro Lecorps and DT Louis Romano.

§ 87(2)(b) pulled his car over on the side of the road. PO Lecorps and DT Romano exited their van and approached § 87(2)(b)'s car. § 87(2)(b) described DT Romano as a white male, approximately 37-38 years old, 5'7"-5'8" tall, stocky build and 175-180 pound with salt and pepper hair. PO Lecorps was described as a black male, approximately 5'8"-5'9" tall, 195-200 pounds, medium build, wearing glasses, a cap and a silver shield around his neck. DT Romano approached the driver's side of § 87(2)(b)'s car and PO Lecorps approached the passenger's side. Both officers had their guns drawn and pointed. § 87(2)(b)'s driver's side window does not roll down so he opened the door and yelled to the officers that § 87(2)(b) used a loud audible voice and was sure that the officers heard him. While this was occurring, § 87(2)(b)'s telephone was on and § 87(2)(b) could hear what was happening.

DT Romano opened § 87(2)(b)'s car door, grabbed him by his shirt and jacket collar and pulled him out of the car. While grabbing § 87(2)(b) by the collar, DT Romano popped two gold necklaces that were around § 87(2)(b)'s neck. § 87(2)(b) was upset and asked, "What are you doing? I told you I was a § 87(2)(b)." DT Romano said, "Shut up. I am in control." PO Shapiro asked § 87(2)(b) if he had any weapons. § 87(2)(b) said yes and lifted up his shirt to expose a holstered gun in his waist. § 87(2)(b) has a license to carry a firearm at all times. PO Shapiro tried to take the gun and § 87(2)(b) asked him what he was doing. PO Shapiro said, "Shut up. Didn't the guy [DT Romano] just say we are in charge?" § 87(2)(b) did not tell the officers that he was currently employed as § 87(2)(b).

An officer, identified through the investigation as LT Kotarski, appeared on the scene. § 87(2)(b) did not know if he came from the Pathfinder or the Pontiac van. The Pathfinder was not visible while § 87(2)(b) was talking to the officers. § 87(2)(b) described LT Kotarski as a white male, 5'6 1/2" tall, 35- 36 years old, short and stocky with a round face and slightly bald. LT Kotarski was wearing a gold and blue shield around his neck with spikes around. LT Kotarski asked § 87(2)(b) why he did not stop his car. § 87(2)(b) replied that he did not have a reason to stop and asked what authority the officers had to stop him. PO Lecorps said that they thought § 87(2)(b)'s car was stolen. § 87(2)(b) asked LT Kotarski if he had run his license plate number. There was no response to the question from any of the officers. § 87(2)(b) explained that his car was not stolen and he had not violated any vehicle traffic laws. While employed as a police officer, § 87(2)(b) stated that if he thought a car was stolen, he would have run a check on the plates and then pulled the vehicle over to get more information from the driver.

LT Kotarski asked § 87(2)(b) why he did not stop when he saw the turret lights. § 87(2)(b) explained that the lights were just put on after they had followed him for two and a half miles. § 87(2)(b) told LT Kotarski that he did not know that they were police officers because other correction officers along Jewish ambulance drivers also use turret lights. LT Kotarski asked for § 87(2)(b)'s driver's license. § 87(2)(b) presented his § 87(2)(b) identification. PO Romano took the identification card and said it was a fake because it did not have a chip. § 87(2)(b) explained that § 87(2)(b). LT Kotarski took § 87(2)(b)'s driver's license and went back to his car with DT Romano for 10-15 minutes. § 87(2)(b) noticed that PO Shapiro's and DT Romano's car had damage to the front end but he

did not see any additional damage. § 87(2)(b)'s rear fender was hanging down and there was a crack underneath the tail pipe. § 87(2)(b) had dents on the side of his car but stated that it was from a previous accident at a bowling alley. PO Shapiro walked around § 87(2)(b)'s car and wrote down his Vehicle Identification Number and information from the window seal. § 87(2)(b) told PO Lecorps that he did not know what was going on. He asked PO Lecorps where they were from because they had not identified themselves as police officers. PO Lecorps responded that they were from Queens Narcotics. § 87(2)(b) asked PO Lecorps if he had any identification. PO Lecorps did not respond and continued to write. § 87(2)(b) did not ask anyone else for identification and none of the officers provided their names voluntarily. PO Lecorps went back to his vehicle and DT Romano and LT Kotarski came back to § 87(2)(b)'s car. LT Kotarski asked § 87(2)(b) what he wanted to do and § 87(2)(b) responded that it was LT Kotarski's choice since he was in control. LT Kotarski said that everything was fine. He gave § 87(2)(b) back his identification and his gun and told him he could go.

The interaction with the officer's lasted 25 minutes. § 87(2)(b) recalled more than three officers being at the scene but he only interacted with LT Kotarski, PO Lecorps, and DT Romano. § 87(2)(b) did not intend to file an accident report or a complaint against the officer. It was not until after § 87(2)(b)'s insurance company informed him that they received an accident report that involved a police vehicle that § 87(2)(b) decided to file a complaint. § 87(2)(b) did not file an accident report after the interaction because LT Kotarski said that everything was fine and also because he had a \$1000 deductible that would pay for his car damage. § 87(2)(b) went to the 102nd Precinct to get a copy of the police report. Upon review, the report stated that § 87(2)(b) sideswiped the officer's car while they were pursuing him. § 87(2)(b) stated that the information on the report was false.

Results of Investigation

Attempts to Contact Witnesses

§ 87(2)(b) was contacted via telephone on May 5, 2008. (Encl. 14) She stated that on February 19, 2008, she was waiting for § 87(2)(b) to come to Whitestone Bowling Lanes where she works. She and § 87(2)(b) bowl with a small group of 2-3 people. § 87(2)(b) called § 87(2)(b) on his cell phone to find out where he was. When § 87(2)(b) answered the phone, § 87(2)(b) heard two other male voices. One of the males said, "Shut up. Shut up" and the other male voice said, "I'm in charge". § 87(2)(b) was not sure if § 87(2)(b) hung up the phone or if the call was disconnected. § 87(2)(b) was not on the phone with § 87(2)(b) for more than two minutes and was not able to have a conversation with him. She talked to § 87(2)(b) earlier in the day but had not talked to him before the aforementioned phone call. § 87(2)(b) was not aware that § 87(2)(b) had gotten into a car accident until he came to the bowling alley that night between 11:30PM- 12:00AM. § 87(2)(b)'s clothes were ripped and his chains were popped when § 87(2)(b) saw him.

Identification of Officers Interviewed

The IAB log indicated that LT Kotarski, DT Alcamo, DT Romano and PO Lecorps were the officers that interacted with § 87(2)(b). In his initial complaint, § 87(2)(b) provided that names of DT Romano and PO Lecorps from an accident report he received at the 102nd Precinct.

Officer Statements

Lieutenant Anthony Kotarski

On May 8, 2008, Lieutenant Anthony Kotarski, a § 87(2)(b)-old white male was interviewed at the CCRB. (Encl. 22a-b) LT Kotarski worked a tour of 1:25PM on February 19, 2008 to 5:00AM on February 20, 2008. His partner was DT Thomas Alcamo and his assignment was supervisor in a buy and bust operation. Both officers were dressed in plain-clothes and were assigned to an unmarked black Nissan Pathfinder. LT Kotarski had entries in his memo book regarding this incident which he read verbatim for the record as: "2300 hours vehicle accident, 250 prepared."

On February 19, 2008, LT Kotarski left the 106th Precinct and was on his way to the Queens Narcotics Headquarters. LT Kotarski and DT Alcamo were driving together in one car and DT Romano and PO Lecorps were driving together in another car. LT Kotarski and DT Alcamo were driving northbound on

Cross Bay Boulevard and came to a red light. A dark green minivan in the middle section of the road ran through the red light. The officers thought that the driver of the minivan was a police officer going to work or working. Because their Narcotics team uses minivans, LT Kotarski thought the driver was part of another team from another precinct. The officers were not alarmed at this point and they continued to drive down Woodhaven Boulevard. The minivan ran through another red light. There were people on the road but it was not very crowded. When the officers came to the intersection of Union Turnpike and Woodhaven Boulevard to make a right, the minivan cut them off and went through another red light. LT Kotarski noticed that the car had silver wheel covers and concluded that it was not a Narcotics car.

LT Kotarski made the decision to pull the car over to see what was going on. He does not usually enforce traffic laws or issue summonses but he was concerned that something was wrong. He thought the car may have been stolen but he did not run the license plate. DT Alcamo put his red lights in the car window but the minivan did not stop. At the next red light, LT Kotarski pulled up next to the passenger's side of the minivan. LT Kotarski and DT Alcamo tried to show the driver, § 87(2)(b) their police shields and tried to tell him to pull over. § 87(2)(b) did not roll down his window but he looked at the officers and kept going through the red light, driving 60 or 70 miles an hour. The officers went to the next intersection where there was an 8-inch divider in the middle of Union Turnpike. They went in front of § 87(2)(b) in an attempt to block the entrance. § 87(2)(b) came to a red light and turned his car off. § 87(2)(b) then jumped the divider and went around LT Kotarski's car. The other cars on the road jerked forward reacting to § 87(2)(b)'s movement.

DT Romano or PO Lecorps called LT Kotarski on his cell phone and said that they saw what was going on. LT Kotarski told the officers that he was trying to pull the minivan over. DT Romano and PO Lecorps had their red lights on in their car and followed LT Kotarski's car. § 87(2)(b) continued to go through red lights up Union Turnpike. § 87(2)(b) was in the right lane and LT Kotarski got in front of him, blocking the entrance to the Grand Central Parkway at Union Turnpike and Park Lane. LT Kotarski no longer saw § 87(2)(b)'s car but he heard the sound of an accident. LT Kotarski looked back and saw the minivan go to the right hitting DT Romano's vehicle in the process. At this point, DT Romano's car and the minivan had stopped. LT Kotarski and DT Alcamo's car had a flat tire and they went up to the minivan.

DT Romano and PO Lecorps were already out of their vehicle and they were in front of the driver's side of § 87(2)(b)'s car. Both officers had their guns drawn. LT Kotarski's gun was not drawn and he did not recall if DT Alcamo's gun was drawn. The officers told § 87(2)(b) to get out of the car but he was not opening the door. One of the officers opened § 87(2)(b)'s driver's side door and § 87(2)(b) was holding on to the steering wheel. Two officers got § 87(2)(b) out of the vehicle by pulling him by his shoulders and arms. LT Kotarski did not know which officers did this. § 87(2)(b) did not complain to LT Kotarski that his necklaces had been damaged. § 87(2)(b) said, "I'm on the job." This meant that he was a police officer. One of the officers asked § 87(2)(b) where he was going and he replied that he was going to work at the 41st Precinct. All the officers had their shields around the necks and they were visible to the § 87(2)(b). An officer asked § 87(2)(b) if he was armed and he responded yes. PO Lecorps took § 87(2)(b)'s gun from his waist.

The officers asked § 87(2)(b) for his identification and it indicated § 87(2)(b). LT Kotarski thought § 87(2)(b)'s identification was not real because it did not have a chip on it. LT Kotarski asked § 87(2)(b) why he was driving the way that he was. § 87(2)(b) said that he was late for work at the Hunts Point Fish Market in the Bronx. LT Kotarski acknowledged that § 87(2)(b) said that he was going to the 41st Precinct at first. He asked § 87(2)(b) why he did not stop and § 87(2)(b) said that he had had a bad experience with correction officers once before. § 87(2)(b) did not ask any of the officers where they were from. LT Kotarski took § 87(2)(b)'s name in order to fill out a UF250 and his vehicle information for the accident report. The front driver's side fender and tire of DT Romano's vehicle was damaged. § 87(2)(b)'s rear right passenger's side was damaged. § 87(2)(b) said he was late for work and wanted to leave. LT Kotarski said that it was fine and § 87(2)(b) left the scene.

Detective Thomas Alcamo

On May 8, 2008, Detective Thomas Alcamo, a § 87(2)(b)-old white male was interviewed at the CCRB. (Encl. 20a-b) DT Alcamo is 5'8" tall, 185 pounds with short brown hair and brown eyes. DT Alcamo worked a tour of 2:00PM on February 19, 2008 to 5:00AM on February 20, 2008. His partner was LT Anthony Kotarski and their assignment was buy and busts in the 106th Precinct. Both officers were dressed in plainclothes and were assigned to an unmarked black Nissan Pathfinder. DT Alcamo had entries in his memo book regarding this incident which he read verbatim for the record as: "1:40AM, went to pick up disabled vehicle at the 102nd Precinct."

§ 87(2)(g)

On February 19, 2008, at approximately 11:15PM, DT Alcamo and LT Kotarski were driving back to the Queens Narcotics Headquarters in Creedmore, Queens. Several other cars were on the street while the officers were attempting to stop § 87(2)(b) who was driving about 40 miles per hour when the speed limit on the Turnpike was 30 miles per hour. DT Alcamo did not have any radio communication with PO Lecorps and DT Romano and he did not call for any help or backup. DT Alcamo saw § 87(2)(b) go into the service road on the right and then he lost site of § 87(2)(b)'s car.

When DT Alcamo backed his car up, he saw that § 87(2)(b)'s car and DT Romano's car had stopped. § 87(2)(b)'s car had struck DT Romano's car. DT Alcamo did not see when the accident took place and could not recall what damage was done to the cars. He got out and approached the driver's side of § 87(2)(b)'s car. PO Shapiro and DT Romano were already out of their car. DT Alcamo did not remember if the other officers had their guns drawn but he did not have his gun drawn. The officers interacted with § 87(2)(b) for one hour and then let him go.

Police Officer Shapiro Lecorps

On May 7, 2008, Police Officer Shapiro Lecorps, a § 87(2)(b)-old black male, was interviewed at the CCRB. (Encl. 16a-c) PO Shapiro is 5'10" tall, 195 pounds with short black hair and brown eyes. He wears glasses sometimes but did not recall if he had them on February 19, 2008. PO Lecorps worked a tour of 2:00PM on February 19, 2008 to 6:00AM on February 20, 2008. He was assigned to Narcotics Enforcement Street Patrol for the Queens Narcotics Unit. His partner on the date of the incident was DT Louis Romano. Both officers were dressed in plain clothes and were assigned to an unmarked purple Pontiac van. DT Romano was the operator and PO Lecorps was the recorder. PO Lecorps had a relevant entry in his memo book, which he read verbatim for the record as: "2305 hours, 250 prepared".

PO Lecorps was aware that there was a GO-15 tape made regarding this incident and he waived his rights to listen to the tape prior to the interview. § 87(2)(g)

On February 19, 2008, at approximately 11:19PM, PO Lecorps and DT Romano were returning from Queens Central Booking and heading to the Queens Narcotics Headquarters. PO Lecorps saw a minivan go through two red lights. A Nissan Pathfinder started to follow the minivan through one of the red lights. PO Lecorps tried to catch up to the vehicle to find out what was going on. PO Lecorps recognized that the Pathfinder belonged to the Queens Narcotics Department and LT Kotarski and DT Alcamo were the occupants. DT Romano and PO Lecorps did not have any radio communication with LT Kotarski and DT Alcamo while they were driving.

There were no other cars on the road and § 87(2)(b) was weaving through several of the lanes. PO Lecorps and DT Romano did not try to run the plates during the pursuit. Their car was on the right of § 87(2)(b)'s car and LT Kotarski and DT Alcamo were on the left. When § 87(2)(b) could not get onto the Jackie Robinson Expressway, he swung into the service lane. The back of § 87(2)(b)'s car hit DT Lecorps's car on the front left fender of the driver's side. PO Lecorps did not make contact with any other parts § 87(2)(b)'s minivan.

§ 87(2)(b) stopped his car. All four officers got out of their vehicles and approached the minivan. DT Lecorps's gun was drawn for safety reasons but he did not recall if DT Romano had his gun drawn. DT Romano and PO Lecorps approached the driver's side of § 87(2)(b)'s car with their shields hanging from their necks and yelled "Police. Get out of the car" several times. The door of the minivan was opened and § 87(2)(b) was pulled by his shoulders from the car. PO Lecorps did not recall which officer pulled him

out but stated that there was no other physical interaction with § 87(2)(b). Once the out of the car, § 87(2)(b) crossed his hands in front of his chest, preventing the officer's from taking his wrists. The officers asked § 87(2)(b) to stop fighting and give them his hands. § 87(2)(b) was yelling, screaming, and being irate and belligerent. PO Lecorps wanted to make sure that § 87(2)(b) did not have anything in his hands for safety reasons.

PO Lecorps and the other officers did not tell § 87(2)(b) to "shut up" because they were in control. § 87(2)(b) said he was going to § 87(2)(b) because he works some place over there. § 87(2)(b) did not ask PO Lecorps if he was a police officer and did not ask him what command he was from.

Detective Louis Romano

On May 8, 2008, Detective Louis Romano, a § 87(2)(b)-old white male was interviewed at the CCRB. (Encl. 18a-d) DT Romano is 5'10" tall, 200 pounds with brown hair and brown eyes. DT Romano worked a tour of 12:27PM on February 19, 2008 to 5:00AM on February 20, 2008. His partner was PO Shapiro Lecorps. Both officers were dressed in plain clothes and were assigned to an unmarked blue Pontiac minivan in which DT Romano was the operator. DT Romano had entries in his memo book regarding this incident which he read verbatim for the record as: "2300 hours, Accident. 250 prepared. Union Turnpike 200 feet East of Park Lane South."

DT Romano's statement was consistent with LT Kotarski's statement with the following exception noted below. On February 19, 2008, at approximately 11:19PM, DT Romano saw a Nissan Pathfinder, containing DT Alcamo and LT Kotarski, following a green minivan, containing § 87(2)(b). There were no other cars on the road. DT Romano tried to catch up to the two cars but they were driving at a higher speed than he was. DT Alcamo put on his red light and pulled up behind the green minivan. At this point, the occupant of the minivan, identified as § 87(2)(b) went through a red light at Metropolitan Avenue and Union Turnpike. LT Kotarski's car and DT Romano's car were not equipped with sirens but their red lights indicated that they were police officers. DT Romano stated that anyone who saw the red lights should have known that the occupants of the vehicles were police officers. DT Romano radioed to DT Alcamo that he was driving behind him and asked him if he needed any help. DT Romano suggested that the officers box in § 87(2)(b) at the next light. DT Alcamo did not respond to DT Romano but his actions indicated that he may have heard him over the radio.

LT Kotarski drove in front of the § 87(2)(b)'s car and blocked the entrance to the Grand Central Parkway. At this time, DT Romano's car was on the service road in the far right lane. § 87(2)(b) tried to get out of the way and made a right turn, simultaneously colliding with the left front fender of DT Romano's car. The right side of § 87(2)(b)'s car side-swiped DT Romano's car and both cars came to a stop. DT Romano did not know where DT Alcamo and LT Kotarski were at this point because their car was 20 feet away from his car.

PO Lecorps approached the front driver's side of § 87(2)(b)'s car. DT Romano had his shield around his neck and he approached the rear driver's side with his gun drawn. DT Romano did not know if PO Lecorps had his gun drawn. The window of the minivan was rolled up and DT Romano yelled, "Police. Police. Let me see your hands." Once DT Romano saw § 87(2)(b)'s hands on the steering wheel, he holstered his gun and told § 87(2)(b) to come out of the car. § 87(2)(b) refused to come out of the car and continued to hold onto his steering wheel. DT Alcamo appeared and he and DT Romano grabbed § 87(2)(b) on his arms and shoulders with two hands and pulled him out of the car.

§ 87(2)(b) was agitated and yelled at the officers. DT Romano told § 87(2)(b) that he should know to act better because § 87(2)(b). § 87(2)(b) explained that he thought the officers were correction officers. He said that he had had an incident with correction officers in an unmarked car with red lights, trying to pull him over in the Bronx. DT Romano told § 87(2)(b) that he and the other officers were from the Narcotic Squad. When LT Kotarski came over to the minivan, § 87(2)(b)'s demeanor began to calm down. The officers asked § 87(2)(b) where he was going and why he had run the red lights. At this point, § 87(2)(b) could have been issued a ticket or charged with reckless endangerment. § 87(2)(b) said that he was in a rush and late for work at § 87(2)(b). LT Kotarski talked to § 87(2)(b).

§ 87(2)(b) and DT Romano did not know what their conversation was about. PO Lecorps took down § 87(2)(b)'s vehicle information for an accident report.

Police Documents

The Narcotics Borough Queens South roll call for the 106th Precinct indicates that DT Alcamo and DT Romano worked a tour of 2:27PM to 11:00PM on February 19, 2008. (Encl. 23a-b) Detective Romano worked overtime and signed out at 5:00AM on February 20, 2008. PO Lecorps worked a tour of 2:33PM to 11:00PM. He also worked overtime and signed out at 6:00AM on February 20, 2008. LT Kotarski is not listed on the roll call but he is listed on the tactical plan. (Encl. 23c)

Stop, Question and Frisk Report

DT Romano filled out a stop, question and frisk report on February 19, 2008, for his interaction with § 87(2)(b) (Encl. 25a-b) The report indicates that § 87(2)(b) was stopped on the intersection of Park Lane and Union Turnpike in Queens at 11:00PM. The duration of the stop was 10 minutes but § 87(2)(b) was observed for 5 minutes prior to the stop. It is noted that § 87(2)(b) was frisked and a revolver was found. The reason for the frisk was that § 87(2)(b) refused to comply with the officers' directions. Physical force used was described as hands on suspect, drawing firearm and pointing firearm at suspect. § 87(2)(b) was stopped because he disobeyed turret lights, made unsafe lane changes and failed to stop.

Vehicle Accident Report

Accident report number § 87(2)(b) was filed on February 29, 2008. (Encl. 26a-c) It indicates that DT Romano and § 87(2)(b) were involved in an accident on Union Turnpike and Park Lane in Queens. The narrative indicates that officers were attempting to stop a vehicle and were sideswiped. The front driver's side of DT Romano's vehicle was damaged and the rear passenger's side of § 87(2)(b)'s vehicle was damaged. It is also indicated that the officers were pursuing a violator when they were involved in the accident

License Check

The New York State Police confirmed that § 87(2)(b)'s license plate was checked by police officers on February 20, 2008 at 2:48AM. Management Information System Database also provided positive results that § 87(2)(b)'s plates were checked. (Encl. 27a-h)

Criminal Conviction History

A search in Booking Arraignment Disposition System was conducted by name. § 87(2)(b) has no known criminal convictions in New York City.

Subject Officer's CCRB History

LT Kotarski has been employed by the NYPD for sixteen years. (Encl. 3) In case # 200302846, the CCRB substantiated allegations of an unlawful stop and a discourtesy. The board recommended that LT Kotarski received charges for both allegations. The NYPD imposed command discipline for the question/ stop allegation. The penalty for the discourtesy allegation is not available. PO Lecorps has been employed by the NYPD for four years and has had no substantiated CCRB allegations. (Encl. 5) DT Romano has been employed by the NYPD for fifteen years and has had no substantiated CCRB allegations. (Encl. 4)

Complainant CCRB History

This is the first time that § 87(2)(b) has filed a complaint with the CCRB. (Encl. 6)

Conclusions and Recommendations

Subject Officer Identification

§ 87(2)(b)'s vehicle was stopped by four officers from Narcotics Borough Queens South. LT Kotarski was interviewed and he admitted that he made the decision to stop § 87(2)(b)'s vehicle. § 87(2)(g) § 87(2)(b) alleged that a white male officer and a black male officer approached his car with their guns drawn and pointed. DT Romano and PO Lecorps matched this description and upon being interviewed, confirmed that they were the first two officers to approach § 87(2)(b)'s car and they had their guns drawn and pointed. § 87(2)(g)

Allegation Not Being Pleaded

§ 87(2)(b) alleged that only one white male officer pulled him from his vehicle and that officer was identified through the investigation as DT Romano. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) also alleged that he asked PO Lecorps for identification and he did not provide any. § 87(2)(g)

Allegation A: Lieutenant Anthony Kotarski stopped the car in which § 87(2)(b) was an occupant.

§ 87(2)(g) LT Kotarski observed § 87(2)(b) running red lights and the officers took measures to inform § 87(2)(b) that they were police officers. The officers turned on their turret lights and tried to get § 87(2)(b)'s attention while they were on the road. § 87(2)(b) stated that the officers stopped his car for no reason and he had not violated any vehicle traffic laws. § 87(2)(g)

According to Kamins's "New York Search and Seizure" guide to street encounters regarding automobile stops, "An officer can stop a vehicle when he observes a motorist doing any of the following: crossing a double solid line, yellow line, ... and driving through a red light." (Encl. 2a-f) An officer may also stop a vehicle to "investigate criminal activity when he has a reasonable suspicion that its occupants have been engaged, are presently engaged, or are about to engage in conduct in violation of the law." (Encl. 2g) § 87(2)(g)

Allegation B: Police Officer Shapiro Lecorps pointed his gun at § 87(2)(b)

Allegation C: Detective Louis Romano pointed his gun at § 87(2)(b)

§ 87(2)(g) It is undisputed that the officer had their guns drawn and pointed as they approached § 87(2)(b)'s car. According to Kamins' "New York Search and Seizure" guide to street encounters, once the police stop a car, they can "approach the vehicle with their guns drawn if they have a reason to believe that the occupants of the car have committed a serious crime, not necessarily involving the use of guns, and the circumstances of the stop present a substantial risk to the officers." (Encl. 2i) Moreover, according to NYPD v. Gliner, "an officer can draw his firearm and point it at another person so long as he has a reasonable fear for his own or another's personal safety." (Encl. 1b-d) § 87(2)(g)

Allegation D: Detective Louis Romano used physical force against § 87(2)(b)

§ 87(2)(b) stated that DT Romano removed him from his vehicle by grabbing his shirt and jacket collars. DT Romano stated that he pulled § 87(2)(b) out of his vehicle by the arms and shoulders because he did not follow his verbal commands to get out of the car. According to the Police Student's Guide of Escalating force, when a person refuses to comply with an officer's directions an officer can use firm grips on arms, shoulders, etc., that cause no pain, but that are meant to guide people." § 87(2)(g)

Allegation E: Police Officer Shapiro Lecorps searched § 87(2)(b)

§ 87(2)(b) admitted to the officers that he was armed and then PO Lecorps removed his gun from his waistband area. For safety reasons § 87(2)(b)'s gun was removed until the officers could finish their investigation. The gun was returned to § 87(2)(b) at the conclusion of the interaction. § 87(2)(g)

Investigator: Nina S. Mickens

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: